

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: : MASTER FILE
FOSAMAX PRODUCTS LIABILITY LITIGATION : 06-md-1789 (JFK)
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This Document Relates to: All Actions : Case Management
: Order No. 18
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JOHN F. KEENAN, United States District Judge:

Beginning in Graves v. Merck, 06 Civ. 5513 (JFK), and in all cases tried thereafter in this multi-district litigation docket, the following orders are entered:

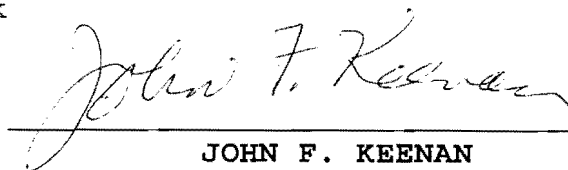
(1) All demonstrative exhibits that counsel plan to use in their Opening Statements or Summations must be shown to the other side 48 hours before jury selection begins in the case of Openings, and 48 hours before the Pre-charge Conference in the case of Summations. Failure to comply with this part of the Order will result in a ruling prohibiting the use of the demonstrative exhibit in front of the jury. If there is an objection to the use of the demonstrative exhibit, it must be raised the day before the Opening or Summation.

(2) There is to be no reference whatsoever in any fashion to the fact that a witness has testified in another trial of another or the same case in this multi-district litigation docket. If prior testimony, either at a trial or deposition, is

to be referred to by the questioner during the examination of witnesses, the question is to begin: "Did you testify in another proceeding as follows:" and then read the prior question and answer to the witness giving him or her the date of the earlier testimony.

SO ORDERED.

Dated: New York, New York
October 8, 2010

A handwritten signature in cursive script, reading "John F. Keenan", is written over a horizontal line.

JOHN F. KEENAN
United States District Judge